S.B. CR.MISC.BAIL APPL.NO.7169/2007.

Indra Kumar and anr.
Vs.
State

Date of order : 2/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri NA Naqvi for the petitioners.
Shri Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the allegation against the petitioners is that co-accused Chhitarlal and Dinesh were transporting the country made liquor illegally at the instance of the petitioners though recovery was made from the aforesaid two co-accused. The petitioners were arrayed as accused on the information elicited from them, co-accused Chitarlal and Dinesh have already been enlarged on bail even by the court below. The petitioners were arrested in September, 2007 and the maximum punishable sentence for offence u/S.19/54 of the Raj.Excise Act is three years. Trial of the case will take long.

Learned Public Prosecutor has opposed the bail application and argued that against the accused petitioner No.2 Mahendra Nagar, there were already two

previous criminal cases and, therefore, the petitioners are not entitled entitled to be enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Indra Kumar S/o Prahlad and Mahendra Nagar S/o Mangi Lal Nagar shall be released on bail in F.I.R. No.197/2007 P.S. Atru, Distt.Baran for offence under Section 19/54 of the Raj.Excise Act, 1954 subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioners are found indulged committing the similar offence in future again, the liberty of bail granted to them shall be liable to be cancelled on moving the prosecution for cancellation of their bail.

(MOHAMMAD RAFIQ), J.

anil/-